

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF DELAWARE**

IN THE MATTER OF THE PROVISION OF)
STANDARD OFFER SUPPLY TO RETAIL)
CONSUMERS IN THE SERVICE TERRITORY OF) PSC DOCKET NO. 15-0889
DELMARVA POWER & LIGHT COMPANY)
(FILED APRIL 1, 2015))

AMENDED ORDER NO. 8731

AND NOW, this 15th day December, 2015, the Public Service Commission ("Commission") determines and orders the following:

WHEREAS, on April 1, 2015, Delmarva Power & Light Company ("Delmarva") filed revised electric tariffs and requested approval of the 2015 Standard Offer Service Rates, Procurement cost Adjustment ("PCA") and Reasonable Allowance for Retail Margin ("RARM" (collectively, the "2015 SOS-PCA-RARM Filing"). The 2015 SOS-PCA-RARM Filing included revised tariff leafs 39 to 41; 43 to 47; 50; 112; and 114. Additionally, Delmarva filed work papers supporting the proposed tariff changes as well as the monthly bill impact information that showed a proposed decrease of approximately \$2.48 (or a decrease of 1.7%) for a typical residential customer using 1,000 kWh on an annual average basis; and

WHEREAS, as discussed further below, Staff has begun its review of the 2015 SOS-PCA-RARM Filing. At this time, pending further review of the 2015 SOS-PCA-RARM Filing, Staff recommends that the Commission approve Delmarva's proposed rate changes on a temporary basis, subject

to refund with interest effective with usage on and after June 1, 2015, and with the appropriate public notice; and

WHEREAS, Staff notes that the 2015 SOS-PCA-RARM Filing includes recovery of certain franchise and State utility taxes that Delmarva is required to collect from customers and transfer to State and local taxing authorities. For a three year period, beginning June 1, 2007, and ending May 31, 2010, Delmarva paid those taxes on behalf of its customers but, due to mistaken application of the PCA, failed to collect the amounts that it paid to taxing authorities in SOS rates (the "Uncollected Amounts"). According to the Settlement Agreement which the Commission approved as part of Order No. 8265 (December 18, 2012) in Docket No. 11-528, the total amount to be collected over a three-SOS year period, beginning June 1, 2012, is \$3,346,205 ("\$3.4 million"). Thus, in 2015, there will be the final true-up for the Uncollected Amounts. The total Uncollected Amount, however, will not exceed the \$3.4 million. The Uncollected Amounts claimed by Delmarva is still subject to Staff review; and

WHEREAS, on December 22, 2009, via Order No. 7703, the Commission approved a Settlement Agreement in PSC Docket No. 09-9 ("RARM Settlement") which provides that where the change in the total RARM rate exceeds 5.25%, Delmarva is required to submit a formal filing for review. According to the 2015 SOS-PCA-RARM Filing, the RARM rate for fixed price customers decreased by 12.50% from the RARM rate currently in effect. Therefore, Delmarva considers the RARM component to be a formal filing, and the RARM factor will decrease. Delmarva included

work papers supporting the results of the RARM factor on an actual basis for the reporting year ending December 31, 2014, and on an estimated basis for the rate effective period. The RARM component will be subject to formal discovery; and

WHEREAS, on October 7, 2008, pursuant to 26 Del. C. §1007 (c)(1) and the Commission's jurisdiction in this docket, the Commission issued Order No. 7461 which approved Delmarva's request to utilize in its annual Standard Offer Service ("SOS") procurement process a reverse auction process conducted by World Energy Solutions, Inc.; and

WHEREAS, on December 1, 2014 and February 2, 2015 Delmarva conducted its tenth annual SOS procurement for supply contracts commencing on June 1, 2015. The procurement, which was conducted in two "tranches", secured three-year supply contracts for one-third of the residential SOS load and one-year contracts for 100% of the load for other "fixed price" types of service. Liberty Consulting Group, Inc. ("Liberty"), along with Staff, observed and evaluated the supply procurement in each tranche; and

WHEREAS, at the Commission's March 3, 2015 meeting, Liberty presented its Final Report dated March 3, 2015 which discussed the details of each procurement and the successful bids for the 2014-2015 SOS RFP. The 2015 SOS-PCA-RARM Filing reflects the results of the successful bids, as well as the PCA and RARM; and

WHEREAS, as discussed in its report, Liberty found that the auction resulted in bids that were consistent with expectations based on market conditions;

**NOW, THEREFORE, IT IS HEREBY ORDERED BY THE AFFIRMATIVE
VOTE OF NOT FEWER THAN THREE COMMISSIONERS:**

1. The "Technical Consultant's Final Report To the Delaware Public Service Commission - Delmarva Power & Light Company 2014-2015 Request for Proposals for Full Requirements Wholesale Electric Supply for Standard Offer Service" dated March 3, 2015 as prepared and given to the commission by Liberty Consulting Group, Inc. is hereby accepted.

2. Pursuant to 26 Del. C. §306 (a) (1), the revised tariff sheets, including revised rates, filed by Delmarva pertaining to the 2015 SOS-PCA-RARM Filing are approved on a temporary basis, with usage on and after June 1, 2015. Such rates shall be subject to refund, with interest, if the Commission shall determine in a final order that such rates are, in whole or in part, unjust or unreasonable.

3. Delmarva shall publish the form of notice attached as **Exhibit "A"**, in the following newspapers, on the designated dates, in two-column format outlined in black:

January 5, 2016 - The News Journal

January 6, 2016 - Delaware State News

Delmarva shall cause the affidavits of publication of the above notices to be filed in this docket within two weeks of becoming available.

4. Interested persons may file petitions for intervention, written comments, or objections to the proposed rates and tariff changes on or before January 26, 2016. If material objections or written comments are filed, or if Staff recommends changes to the proposed rates or tariff revisions temporarily approved by this Order, the Commission will determine, by further Order, the course of any further proceedings. If material written comments or objections are not filed and Staff recommends final approval of the rates and revised tariff leafs, then the Commission may enter a final order at a duly-noticed public hearing.

5. Delmarva is hereby notified that it will be charged the costs of this proceeding under the provisions of 26 Del. C. §114(b)(1).

6. The Commission reserves the jurisdiction and authority to enter such further Orders in this matter as may be deemed necessary or proper.

BY ORDER OF THE COMMISSION:

Chair

Commissioner

Commissioner

Commissioner

Commissioner

ATTEST:

Secretary

EXHIBIT “A”

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PUBLIC NOTICE OF CHANGES

TO FIXED PRICE STANDARD OFFER SERVICE RATES

AND PROCUREMENT COST ADJUSTMENT RATE FACTORS AND

REASONABLE ALLOWANCE FOR RETAIL MARGIN RATE FACTORS

**TO: ALL CUSTOMERS OF DELMARVA POWER & LIGHT COMPANY
TAKING STANDARD OFFER SUPPLY**

On April 1, 2015, Delmarva Power & Light Company (“Delmarva” or the “Company”) filed with the Delaware Public Service Commission (the “Commission”) an application to make changes to its Electric Tariff related to its Standard Offer Supply (“SOS”) service offerings, including:

- (a) Changes in the rates for “fixed” price SOS to reflect the bid prices from the recent “fixed price” SOS wholesale procurement process;
- (b) Revision of the “Procurement Cost Adjustment” factors applicable to both fixed price SOS and hourly prices (SOS and returning customer) services; and

(c) Revision of the Reasonable Allowance for Retail Margin applicable to both fixed price SOS and Hourly Prices (SOS and returning customer) services.

According to the Company's calculations, not including the Qualified Fuel Cell Provider Project ("Bloom") or RPS Charge, the monthly bill for a residential customer using 1,000 kWh on an annual average basis will be decreased by approximately \$2.48 (or a decrease of 1.7%).

On May 5, 2015, in PSC Order No. 8736, the Commission allowed the proposed rates and tariff changes to go into effect, with usage on or after June 1, 2015, on a temporary basis, but subject to refund with interest if the Commission later determines in a final order that such rates and charges are incorrect, unjust, or unreasonable.

Interested persons may file written comments or objections to the proposed rates and tariff changes **on or before January 26, 2016**. If you wish to formally participate as a party in this matter, with the right to present evidence and be represented by counsel, you must file with the Commission a written petition asking for leave to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (26 *Del. Admin. C.* §1001-2.9) **on or before January 26, 2016**. All written comments, objections or petitions for leave to intervene should be sent to the Commission's address:

Public Service Commission
861 Silver Lake Blvd.
Cannon Bldg., Suite 100
Dover, DE 19904
Attn.: PSC Docket No. 15-0889

Petitions filed after the deadline of January 26, 2016, will not be considered except for good cause shown.

You are invited to review Delmarva's filing and supporting documents to determine how your interests may be affected. You may review documents posted on the Commission's website in the DelaFile E-filing system located at (<http://delafile.delaware.gov>), using Docket No. 15-0889. If you would like to review documents at the Commission's offices, please contact Donna Nickerson at donna.nickerson@state.de.us to arrange a time for your review. You may also review copies of Delmarva's filing and supporting documents at the office of the Division of the Public Advocate located at either 820 North French Street, 4th Floor, Wilmington, Delaware 19801 or 29 South State Street, Dover, DE 19901. Please call either (302) 577-5077 (Wilmington) or (302) 241-2555 (Dover) to arrange for a time to review the documents at either of those locations.

If you wish to request copies of documents in this matter, please submit a Freedom of Information Act Request Form. The link to this form can be found on the Commission's website, <http://depsec.delaware.gov>, or by visiting this web address: <https://delafile.delaware.gov/Complaints/FOIA.aspx>. The Commission will respond to your request in accordance with the Delaware Freedom of Information Act, 29 *Del. C. ch.* 100.

If you have a disability and wish to participate or to review the materials in this matter, please contact the Commission to discuss any auxiliary aids or services you might need to help you. You may contact the Commission in person, by writing, by telephone (including text telephone), by Internet e-mail, or other means. If you have questions about this matter, you may call the Commission at 1-800-282-8574 (toll-free in Delaware) or (302) 736-7500 (voice and text telephone). You may also send questions regarding this matter by Internet e-mail addressed to pamela.knotts@state.de.us.